

TENTATIVE

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

RESOLUTION NO. R09-2003-0060

A RESOLUTION MODIFYING THE REGIONAL BOARD'S WAIVER POLICY FOR CONSISTENCY  
WITH RECENT MODIFICATIONS TO THE UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY RULE FOR CONFINED ANIMAL FEEDING OPERATIONS

WHEREAS, On September 11, 2002 this Regional Board adopted Resolution No. R09-2002-0186, "Amendment to the Water Quality Control Plan for the San Diego Region (9) to Incorporate a Waste Discharge Requirement Waiver Policy for Certain Specific Types of Discharges." Resolution No. R09-2002-0186 renewed, for a 5-year period, existing waivers of waste discharge requirements for specified categories of discharges which were scheduled to expire on January 1, 2003 pursuant to subdivision (b) of Water Code Section 13269.

WHEREAS, The Waiver Policy is included in Chapter 4, "Implementation" of the Water Quality Control Plan for the San Diego Region (Basin Plan). The Waiver Policy provisions pertaining to animal feeding operations are included in Table 4-4 of the Basin Plan.

WHEREAS, On December 15, 2002 the Administrator of the United States Environmental Protection Agency signed a Final Rule modifying the federal regulations that govern Confined Animal Feeding Operations pursuant to the Federal Clean Water Act. The Administrator's action extended the definition of Confined Animal Feeding Operations which must be regulated under the NPDES program.

WHEREAS, As a result of the December 15, 2002 Final Rule, discharges for which waste discharge requirements were waived by Resolution No. R09-2002-0186 now require permits pursuant to the Federal Clean Water Act and the Regional Board's Waiver Policy is no longer consistent with federal regulations.

WHEREAS, all procedural requirements for noticing, public participation and CEQA documentation necessary for this action to amend the Waiver Policy were satisfied during the process that preceded the adoption of Resolution No. R09-2002-0186, which included:

- Notice, dated April 30, 2002, of a public workshop/California Environmental Quality Act (CEQA) scoping meeting on the proposed Basin Plan amendment;
- Public Workshop on May 20, 2002 for the purpose of determining the scope and range of actions, alternatives, mitigation measures and significant effects to be analyzed in depth, and for the purpose of receiving public input;
- A 45-day public period for public review and comment on the pending action, as required by the public participation regulations promulgated for water quality control programs implementing the federal Clean Water Act (40 CFR 25.5) and by the State Water Resources Control Board regulations for CEQA compliance (23 California Code of Regulations Section 3777);
- Distribution of a technical report describing the proposed amendment and containing environmental documentation functionally equivalent to the CEQA requirements; and
- A public hearing on September 11, 2002.

THEREFORE BE IT RESOLVED

That the California Regional Water Quality Control Board, San Diego Region hereby modifies Table 4-4 of the Basin Plan, as amended by Resolution No. R09-2002-0186, to read as shown in Revised Table 4-4 in Attachment A to this Resolution.

ATTACHMENT A TO RESOLUTION NO. R09-2003-0060

(Basin Plan Table 4-4, Revised February 5, 2003)